

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 4:16CR-064-DMB-JMV

DEONTE PATE

MOTION FOR DISCOVERY

COMES NOW, Deonte Pate, Defendant in the above-styled and numbered cause and files this his Motion for Discovery and he would respectfully request pursuant to the Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, Articles 3, Sections 14, 26, and 28 of the Mississippi Constitution, and Rule 16 of the Federal Rules of Criminal Procedure, to require the United States Government to disclose to counsel, and permit him to inspect, copy, test and photograph the following:

1. All statements, written or oral, made by the Defendant to any person, at any time, before or after his arrest in this case, including the names and addresses of the person(s) to whom the statements were made, including but not limited to those relevant to:

(a) the crime;

(b) the investigation of that crime; and

(c) any condition of the Defendant, including but not limited to his mental or physical state;

(1) at the time of the alleged crime;

(2) at the time of any statements of the Defendant described in paragraphs

1(a) through (c) above;

(3) at any other time subsequent to the alleged crime.

2. The names and addresses of all persons the prosecution proposes to offer as witnesses at the trial or any hearing of this cause, and any persons with knowledge of any facts and circumstances surrounding the crime or the Defendant.

3. The names and addresses of all persons who have given recorded statements to the United States Government or any law enforcement officer.

4. The names and addresses of all persons who have given oral statements to the United States Government or any law enforcement officer.

5. Copies of all written and/or oral statements made by any of the persons referred to in Paragraphs 2, 3 or 4 above, including memoranda, summaries or recordings of such statements.

6. All memoranda, documents and reports to, from and between law enforcement officers connected with the subject matter of this case or the Defendant.

7. The criminal records and any list or summary reflecting criminal records of the persons whom the United States Government intends to call as a witness at trial.

8. All evidence in the United States Government's possession or available to the United States Government which is favorable to the Defendant on the issue of guilt, including but not limited to:

(a) Unfavorable evidence with respect to State witnesses;

(b) Any and all other information respecting any United States Government witness which is favorable to the Defendant on the issue of guilt;

(c) Statements made by any persons which are exculpatory with respect to the Defendant, including but not limited to evidence disclosing:

(a) the Defendant has no significant history of prior criminal activity;

(b) the offense was committed while the Defendant was under the influence

of mental or emotional disturbance.

7. All physical or documentary evidence, including diagrams, sketches, books, papers documents, photographs or tangible objects in the possession of the United States Government:

(a) the United States Government intends to offer at any trial or hearing in this case;

(b) the United States Government is retaining for potential use in evidence at any trial or hearing in this case;

(c) any law enforcement official is retaining for potential use in evidence at any trial or hearing in this case.

(d) the United States Government or any law enforcement official has submitted to any professional personnel for examination or analysis in connection with this case.

8. All diagrams, sketches and photographs which have been made by or shown to any witness or prospective witnesses in this case, as well as the identify of each witness to whom this material was shown.

9. All records and reports relating to the Defendant, including:

(a) all juvenile detention, jail, prison, parole, probation and pre-sentence investigation records;

(b) all arrest, conviction, and adult and juvenile criminal offense records;

(c) all records of any law enforcement authority;

(d) all records of any detention or court authority;

(e) all records the United States Government or any law enforcement official has submitted to has submitted to any professional personnel for examination or analysis in

connection with this case.

10. All records and reports relating to any witness, including:

(a) all juvenile detention, jail, prison, parole, probation and pre-sentence investigation records;

(b) all arrest, conviction, and adult and juvenile criminal offense records;

(c) all records of any law enforcement authority;

(d) all records of any detention or court authority;

(e) all records of any prosecuting authority;

(f) all psychiatric, psychological and mental health records;

(g) all education records;

(h) all records and reports.

11. A statement as to whether the United States Government will rely on prior act or convictions of a similar nature for proof of knowledge or intent, including a description of each act or convictions to be relied upon, if any.

12. A list of all expert witnesses the United States Government intends to call at trial, along with each expert's qualifications, the subject and a description of his or her contemplated testimony, and his or her report.

13. A statement as to whether the United States Government will use felony convictions for impeachment of the Defendant if he testifies, along with the date of conviction and a description of each offense, if any.

14. That the United States Government detail any all deals or agreements and/or payments, and promises of reduced sentences, or that charges presently pending against the confidential informant or person used to or make said alleged purchases from Defendant were

dismissed, or dismissal of charges pending against confidential as payment for confidential informants efforts in making said alleged transactions with Defendant.

15. Any and all documents of the Mississippi Department of Corrections' manual/policy on the use of force by security guards.

16. Any and all documents submitted by Defendants as a result of the incident involving the inmate which is the subject of said indictment.

17. Any and all documents evidencing any and all felonies and misdemeanors committed by inmate which is the subject of the charges lodged against Defendant.

18. Any and all documents evidencing any all rules violation reports filed against said inmate which is the subject of said charges filed against Defendants.

19. Any and all documents evidencing charges of violence filed against said inmate while incarcerated at Mississippi Department of Corrections, or at any other correctional facility.

20. A complete copy of said inmate's medical files showing the treatment received by said inmate as a result of said altercation between inmate and Defendants.

21. The names, addresses and telephone numbers of any and all doctors and nurses who treated said inmate for injuries sustained as a result of said altercation.

22. Copies of any and all video and audio statements made by said inmate as a result of said altercation which is the subject of said indictment.

23. Any and all documents evidencing the results of MDOC's investigation of the incident, and a transcript of hearing held by MDOC.

Respectfully submitted,

/s/ Jacob M. Jenkins
JACOB M. JENKINS

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Counsel for Deonte Pate

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served, VIA E-FILING, on the following
counsels of record:

Robert W. Coleman, AUSA
Dana Mulhauser, AUSA

So certified on this the 8th day of July, 2016.

/s/ Jacob M. Jenkins
JACOB M. JENKINS